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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,064	01/17/2002	Erik P. Young	3660P068	1484
7590	01/30/2006		EXAMINER	
Lester J. Vincent Blakely, Sokoloff, Taylor, & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
			DATE MAILED: 01/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/052,064	YOUNG, ERIK P.
	<b>Examiner</b>	<b>Art Unit</b>
	Yogesh C. Garg	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 20 is/are rejected.
- 7) Claim(s) 4-8 and 21-23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/8/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I and the species of claim 8 of Group I in the reply filed on 11/7/2005 is acknowledged. Claims 9-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species. Currently claims 1-8 and 20-23 are pending for examination.

***Claim Rejections - 35 USC § 102.***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.1. Claims 1-3 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotas (US Publication 2002/0002526 A1).

Regarding claim 1, Kotas discloses a method for selecting a group of bidders for a current bidding event to auction a lot having one or more items (see at least paragraphs 0012-0014), said method comprising:

identifying a prior bidding event having occurred before said current bidding event wherein said prior bidding event includes a plurality of contact events for each bidder participating in said prior bidding event (see at least paragraphs 0022-0023, and table 1 where

auctions 1 and 2 correspond to prior bidding events and auction 3 corresponds to current bidding event) ;

further identifying one or more participating bidders for said prior bidding event; quantifying participation of each identified bidder in each of said plurality of contact events for said prior bidding event thereby generating a corresponding participation score for each said identified bidder; prioritizing the identified bidders in a first descending order based on said corresponding participation score, thereby generating a first prioritized list of bidders; and selecting said group of bidders for said current bidding event from said first prioritized list of bidders (see at least paragraphs 0022-0024 and tables 1 & 2. The one or more participating bidders are identified as users 2 and 9 from said prior bidding event, that is auction 2 and the participation of each identified is quantified and a participation score is generated for each identified bidder by determining at least seventy percent of the users that bid in the current bidding event, that is auction 3 must have bid in prior bidding event and are then prioritized in Table 2) .

Regarding claim 2, Kotas discloses that the method of claim 1, wherein identifying said prior bidding event includes searching a first electronic database containing an information about one or more bidding events having occurred before said current bidding event, and wherein identifying said one or more participating bidders includes searching a second electronic database using said information about said identified prior bidding event, wherein said second electronic database contains identity information for all bidders corresponding to said one or more bidding events from said first electronic database (see at least Fig.1 and paragraph 0018 which disclose that the memory 130 further includes stored files “ 131” representing

electronic database containing identity information for all bidders and "132" representing electronic database containing information about one or more bidding events).

Regarding claim 3, Kotas discloses that the method of claim 1, wherein identifying said prior bidding event includes identifying each lot that was placed on auction during said prior bidding event, and wherein quantifying participation of each said identified bidder includes quantifying participation of each said identified bidder in each of said plurality of contact events for each said lot identified for said prior bidding event (see paragraphs 0022-0024 & table 1 where auction 1 and auction 2 represent different lots).

Regarding claim 20, its limitations are closely parallel to the limitations already covered in claims 1-3 and, therefore, it is rejected on the basis of same rationale.

#### ***Allowable Subject Matter***

3. Claims 4-8 and 21-23 are objected to as being dependent upon a rejected base claims, that is claims 1 and 20 respectively, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: At this time, the examiner could not find prior art anticipating or rendering obvious the following limitations of claims 4 when combined with the limitations of claims 1:

comprising further identifying each bid-in event for said prior bidding event, wherein each said bid-in event is one of said plurality of contact events and relates to bids received from one or more identified bidders during said prior bidding event, obtaining a corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has

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participated; quantifying each corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has participated, thereby generating a corresponding competitiveness score for each said identified bidder; prioritizing the identified bidders in a second descending order based on said corresponding competitiveness score, thereby generating a second prioritized list of bidders; and selecting said group of bidders for said current bidding event from at least one of said first prioritized list of bidders and said second prioritized list of bidders.

Since claims 5-8 are dependent on claim 4 they also include the same allowable subject matter.

Claims 21-23, which depend upon claim 20 are also allowable for the same reasons.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2003/0014326 to Ben-Meir et al. discloses a web-based enterprise application system providing decision support tools to analyze and evaluate the bidders/bids by generating scores for the bids/bidders to evaluate them (see at least paragraphs 0101-0124).

(ii) US Publication 2001/0029480 to Ishikawa et al. discloses a method and system to analyze and evaluate the bidders/bids based upon past bidding prices and utilization efficiencies of resources knocked down in past (see at least Abstract).

(iii) US Publication 2001/0027431 to Rupp et al. discloses a method and apparatus for automatic bid adjustments based upon prices, non-price bid variables, such as location of

the bidder and the variables are broken into ranges that are scored (see at least Abstract and paragraph 0072).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
1/20/2006